



County of San Diego

DEPARTMENT OF PUBLIC WORKS

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MITIGATED NEGATIVE DECLARATION

April 7, 2006

Project Name: Pala Temecula/Pala Mission Road Improvements

Project Number(s): IA# 101021

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Biological and Archaeological Resources
1. California Environmental Quality Act Mitigated Negative Declaration Findings:
Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgement and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
 2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

I. Biological Resources

- A. The project will permanently impact a total of 0.160 acres of US Army Corps of Engineers non-wetland waters and 0.057 acre of US Army Corps of Engineers wetlands. Impacts will be mitigated at a 2:1 ratio through a combination of creation, enhancement, and restoration. Permanent impacts to southern coast live oak riparian forest will be mitigated at a ratio of 2:1 for a total of 0.11 acre, impacts to mulefat scrub will be mitigated a ratio of 2:1 for a total of 0.36 acre, impacts to coast live oak woodland will be mitigated at a ratio of 2:1 for a total of 0.036 acre, impacts to southern willow scrub will be mitigated at a ratio of 2:1 for a total of 0.120 acre, impacts to sycamore alluvial woodland will be mitigated at a ratio of 2:1 for a total of 0.040 acre. Additionally, impacts to Diegan coastal sage scrub will be mitigated at a ratio of 1.5:1 for a total of 0.023 acre and impacts to nonnative grasslands will be mitigated at a ratio of 0.5:1 for a total of 0.042 acre.

Proposed conservation measures will reduce the impact to these species to the maximum extent feasible. Specific to the arroyo toad, the following avoidance and minimization measures will be implemented at the easterly and westerly sites to avoid and minimize impacts to arroyo toads:

- B. Temporary silt fencing will be installed around the perimeter of all work areas within potential arroyo toad habitat. The purpose of the fence is to exclude arroyo toads from the work sites. Such fencing will consist of woven nylon netting approximately three feet in height attached to wooden stakes. Ingress and egress of construction equipment and personnel will be kept to a minimum, but when necessary, equipment and personnel will use a single access point to the site. This access point will be as narrow as possible and will be closed off by exclusionary fencing when personnel are not on the project site.
- C. Prior to construction activities but after exclusionary fencing has been installed, at least two surveys for arroyo toads will be conducted within the fenced area by a USFWS-approved biologist. Surveys will be conducted during appropriate climatic conditions and during the appropriate time of day or night to maximize the likelihood of encountering arroyo toads. If climatic conditions are not appropriate for arroyo toad movement during the surveys, a qualified biologist may attempt to illicit a response from the arroyo toads during nights (i.e., at least one hour after sunset) with temperatures above 50 degrees Fahrenheit by spraying the project area with water to simulate a rain event. If it is determined that the arroyo toad is present within the exclusion area, no work will occur until formal consultation with the USFWS is completed.
- D. The USFWS will be notified should any arroyo toads be found injured or dead in the project area.

- E. To avoid impacts to breeding arroyo toads, arroyo toad larvae, and/or arroyo toad egg masses, construction activities within arroyo toad breeding habitat will occur outside of the arroyo toad breeding season (March 15–July 31).
- F. Project-related vehicle travel and construction activities will be limited to daylight hours, as arroyo toads would be found on roadways primarily at night.
- G. A USFWS-approved biologist (biologist) who will be responsible for overseeing compliance with protective measures for the biological resources during clearing and construction activities within designated areas.
- H. All vegetated areas outside of the proposed project footprint, including staging areas, will be delineated by the project proponent as Environmentally Sensitive Areas (ESAs). All parties in conjunction with this operation will strictly avoid these areas. No construction activities, materials, or equipment will be permitted within the ESAs. The project footprint, including staging areas and access routes, will be fenced with orange plastic snow fencing. The fenced area will be confirmed by the biologist prior to habitat clearing, and the fencing will be maintained throughout the construction period.
- I. An employee education program will be developed. Each employee (including temporary, contractors, and subcontractors) will participate in a training/awareness program prior to working on the proposed project. They will be advised of the potential impact to the listed species and the potential penalties for taking such species.
- J. The project biologist will periodically monitor the work area to ensure that construction-related activities do not generate excessive amounts of dust or cause other disturbances. Erosion control measures will be regularly checked by project inspectors, the biologist, and/or CM.

II. Cultural Resources

- A. A qualified archaeological monitor will be present during all ground-disturbing construction activities. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow evaluation of potentially significant cultural resources. The archaeologist shall contact the County Archaeologist at the time of discovery. The archaeologist, in consultation with County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be

prepared by the consulting archaeologist and approved by the County Archaeologist, then carried out using professional archaeological methods. If any human bones are discovered, the County Coroner shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.

- B. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s) (and Native American Observer) shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
- C. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated according to current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. In addition, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed. The report will include Department of Parks and Recreation Primary and Archaeological Site forms.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- A. Standard construction practices will be used to minimize the potential for erosion and sedimentation and to control fugitive dust during construction by implementing best management practices (BMPs [i.e., straw bales, silt fences, and water bars]). All straw material will be weed free. Proper routine maintenance of all vehicles and equipment will be implemented to prevent leaks and ensure efficient operation.

- B. All fuel spills will be cleaned up immediately. Major fuel spills will be contained by constructing an earthen dike around the spill and applying a petroleum absorbent to contain the spill. All fuel spills will be cleaned up to prespill levels.
- C. Any storage and staging areas will be placed as far from sensitive habitat as is possible and kept free from trash and other waste. Staging areas for construction work will be located within previously disturbed sites and not adjacent to or within sensitive habitat.
- D. The changing of oil, refueling, and other actions that could result in a release of a hazardous substance will be restricted to designated staging areas. Such designated staging areas will be surrounded with berms, sandbags, or other barriers to further prevent accidental spill of fuel, oil, or chemicals. Any accidental spills will be immediately contained, cleaned up, and properly disposed.
- E. Any night lighting for the construction of the project will be selectively placed, shielded, and directed away from all ESAs.
- F. Pets of project personnel will not be allowed on the project site

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

_____ (Decision-Making Body)

on _____ (Date/Item #)

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